

Decision No. 84592**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 the City of Fremont, Alameda County, )  
 California, for a Railroad Grade )  
 Crossing over the Southern Pacific )  
 Company's Railroad and the Western )  
 Pacific Railroad Company's Railroad )  
 in the City of Fremont, Warm Springs )  
 District. )

Application No. 55435  
 (Filed January 13, 1975)

O P I N I O N

The City of Fremont requests authority to construct Kato Road at grade across the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company in the City of Fremont, Warm Springs District, Alameda County, to provide improved access to the Crocker-Fremont Industrial Park.

The City of Fremont is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended, and on October 9, 1974 the Public Works Director of the City of Fremont approved a Negative Declaration.

Notice of the application was published in the Commission's Daily Calendar on January 15, 1975. Objections to the application were made by both the Southern Pacific Transportation Company and The Western Pacific Railroad Company. The objections of the railroads have been resolved and no further protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct Kato Road at grade across the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company in the City of Fremont, Warm Springs District, Alameda County.

2. Cost of the crossings and installation of the automatic protection should be borne by the applicant.

3. Maintenance of the crossings should conform to General Order No. 72-B. Maintenance cost of the automatic protection should be borne by the applicant.

4. The Commission has considered the City of Fremont's Negative Declaration and finds with reasonable certainty that this project will not have a significant effect on the environment.

5. Dimensions, configurations, clearances and walkways should be substantially in accordance with Exhibit D attached to the application, as revised May 7, 1975, and comply with applicable rules and general orders of the Commission.

### C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

### O R D E R

IT IS ORDERED that:

1. The City of Fremont is authorized to construct Kato Road at grade across the tracks of the Southern Pacific Transportation Company and The Western Pacific Railroad Company in the City of Fremont, Warm Springs District, Alameda County, at the location and substantially as shown on Exhibit D of the application, as revised May 7, 1975. The crossings shall be identified as Crossing No. DA-38.0 (SPT Co.) and Crossing No. 4G-8.5 (WPRR), respectively.

2. Construction of the crossings shall be equal or superior to Standard No. 4-C (General Order No. 72-B).

3. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

4. Protection at each crossing shall be two Standard No. 9 signals (General Order No. 75-C). The signals shall be inter-connected to provide protection for train movements on the tracks of both railroads.

5. Construction expense of the crossings and installation cost of the automatic protection shall be borne by the applicant.

6. Maintenance of the crossings shall be in accordance with General Order No. 72-B. Maintenance of the automatic protection shall be borne by the applicant pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

7. Construction plans of the crossings approved by the Southern Pacific Transportation Company and by The Western Pacific Railroad Company, together with a copy of the agreement(s) entered into between the parties involved, shall be filed with the Commission prior to commencing construction.

8. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within two years unless time be extended or if conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of JUNE, 1975.

Vernon L. Sturgeon  
President

Leonard Ross  
Paul H. [illegible]